

1 McGREGOR W. SCOTT  
United States Attorney  
2 DAVID W. SPENCER  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
5

6 Attorneys for Plaintiff  
United States of America  
7

**SEALED**

**FILED**

FEB 19 2020

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
By \_\_\_\_\_  
DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 IN THE MATTER OF THE APPLICATION  
11 OF THE UNITED STATES OF AMERICA  
12 FOR AN ORDER AUTHORIZING THE  
INSTALLATION AND USE OF PEN  
REGISTERS AND TRAP AND TRACE  
DEVICES FOR A CELLULAR TELEPHONE  
ASSIGNED CALL NUMBER 209-279-6679  
14

CASE NO. 2:20-SW-182 CKD

[PROPOSED] ORDER

UNDER SEAL

15 ORDER

16 DAVID W. SPENCER, on behalf of the United States, has submitted an application pursuant to  
17 18 U.S.C. §§ 3122 and 3123, requesting that the Court issue an Order authorizing the installation and  
18 use of pen registers and trap and trace devices ("pen-trap devices") on the cell phone number described  
19 in Attachment A, which is incorporated into this Order by reference.

20 The Court finds that an attorney for the government has submitted the application and has  
21 certified that the information likely to be obtained by such installation and use is relevant to an ongoing  
22 criminal investigation being conducted by the ATF of unknown individuals in connection with possible  
23 violations of 18 U.S.C. § 922(a)(1)(A) (dealing firearms without a license).

24 IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 3123, that ATF may install and use  
25 pen-trap devices to record, decode, and/or capture dialing, routing, addressing, and signaling  
26 information associated with each communication to or from the cell phone number described in  
27  
28

1 Attachment A, including the date, time, and duration of the communication, and the following, without  
2 geographic limit:

- 3 ▪ IP addresses associated with the cell phone device or devices used to send or receive  
4 electronic communications
- 5 ▪ Any unique identifiers associated with the cell phone device or devices used to make and  
6 receive calls with cell phone number described in Attachment A, or to send or receive  
7 other electronic communications, including the ESN, MEIN, IMSI, IMEI, SIM,  
8 MSISDN, or MIN
- 9 ▪ IP addresses of any websites or other servers to which the cell phone device or devices  
10 connected
- 11 ▪ Source and destination telephone numbers and email addresses

12 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(c)(1), that the use and installation of  
13 the foregoing is authorized for sixty days from the date of this Order;

14 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), that T-  
15 Mobile and any other person or entity providing wire or electronic communication service in the United  
16 States whose assistance may, pursuant to 18 U.S.C. § 3123(a), facilitate the execution of this Order  
17 shall, upon service of this Order, furnish information, facilities, and technical assistance necessary to  
18 install the pen-trap devices, including installation and operation of the pen-trap devices unobtrusively  
19 and with minimum disruption of normal service;

20 IT IS FURTHER ORDERED that the ATF reasonably compensate T-Mobile and any other  
21 person or entity whose assistance facilitates execution of this Order for reasonable expenses incurred in  
22 complying with this Order;

23 IT IS FURTHER ORDERED that T-Mobile and any other person or entity whose assistance may  
24 facilitate execution of this Order notify the applicant and the ATF of any changes relating to the cell  
25 phone number described in Attachment A, including changes to subscriber information, and to provide  
26 prior notice to the ATF before terminating or changing service to the cell phone number;

1 IT IS FURTHER ORDERED that the ATF and the applicant have access to the information  
2 collected by the pen-trap devices as soon as practicable, twenty-four hours per day, or at such other  
3 times as may be acceptable to the ATF, for the duration of the Order;

4 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3123(d)(2), that T-Mobile and any other  
5 person or entity whose assistance facilitates execution of this Order, and their agents and employees,  
6 shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of the  
7 application and this Order, the pen-trap devices, or the investigation to any person, unless and until  
8 otherwise ordered by the Court, except that T-Mobile may disclose this Order to an attorney for T-  
9 Mobile for the purpose of receiving legal advice;

10 IT IS FURTHER ORDERED that the Clerk of the Court shall provide the United States  
11 Attorney's Office with three certified copies of this application and Order, and shall provide copies of  
12 this Order to the ATF and T-Mobile upon request;

13 IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise  
14 ordered by the Court, pursuant to 18 U.S.C. § 3123(d)(1).

15  
16 Dated: 2/18/2020

  
Hon. Carolyn K. Delaney  
U.S. MAGISTRATE JUDGE

1                   **ATTACHMENT A**

2 T-Mobile

3 <b>Facility</b>	4 <b>Number or identifier</b>	5 <b>Owner, if known</b>	6 <b>Subject of investigation, if known</b>
7                   209-279-6679	8                   n/a	9                   Vin GAINES JR.	10                  Vin GAINES JR.